



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 07/26/05

AGENDA ITEM 2

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adoption of the following Ordinances:

An Ordinance Amending the Zoning Ordinance, Chapter 10, Article 1 of the Hayward Municipal Code, Relating to the Mission- Garin Area Special Design (SD-5) District

An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Prezoning Certain Territory in Connection with Zone Change Application PL-2005-0158 ZC Relating to the La Vista Quarry in the Mission-Garin Annexation Area

An Ordinance Authorizing Execution of a Development Agreement with La Vista, L.P., for Development of the La Vista Project

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinances.

BACKGROUND:

The ordinances were introduced at the July 19, 2005, meeting of the City Council with the following vote:

AYES:	Council Members:	Jimenez, Quirk, Halliday, Ward, Dowling, Henson
	Mayor:	Cooper
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The ordinances were published in the Hayward Daily Review on July 23, 2005. Adoption at this time is therefore appropriate.

Prepared by:


Angelina Reyes, City Clerk

Approved by:

Perez H. Cota / fr

Jesús Armas, City Manager

Draft Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING ORDINANCE,
CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL
CODE, RELATING TO THE MISSION-GARIN AREA SPECIAL
DESIGN (SD-5) DISTRICT

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1. This City Council incorporates by reference the findings contained in Resolution No. _____, approving the text changes requested in Zone Change Application PL 2005-0158 ZC. The City Council also hereby finds and determines that:

(a) This ordinance adopts text changes to the Zoning Ordinance, codified as Chapter 10, Article 1 of the Hayward Municipal Code; more specifically, to the Mission-Garin Area Special Design ("SD-5") District; and

(b) The potential environmental impacts are discussed in the Initial Study and Mitigated Negative Declaration approved by the City Council's adoption of Resolution No. _____; and

(c) The adoption of this text change to the Zoning Ordinance does not constitute a reclassification of property.

Section 2. Section 10-1.2630(c)(12) of Article 1 of Chapter 10 of the Hayward Municipal Code is hereby amended to read as follows:

"Detached single-family residential development projects will include at least 10% one-story units. A lesser amount may be considered based on topographic conditions."

Section 3. The Mission Garin Area Special Design District Maximum Total Potential Chart is amended to allow 179 dwelling units for the La Vista Quarry, where 16 dwelling units were previously allowed, as shown in the chart on Exhibit A attached hereto and incorporated herein by reference.

Section 4. This ordinance shall become effective on the effective date of the annexation of the property by the Local Agency Formation Commission of Alameda County.

Section 5. Should any portion of this ordinance be declared by court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond the authority of the City, such decision shall not effect the validity of the remainder of the ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance absent the excised portion, can be reasonably interpreted to give effect to the intentions of the City Council

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the
19th day of July, 2005, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held
the _____ day of July, 2005, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Mayor of the City of Hayward

DATE:

ATTEST:

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1 OF
THE HAYWARD MUNICIPAL CODE BY PREZONING
CERTAIN TERRITORY IN CONNECTION WITH ZONE
CHANGE APPLICATION PL-2005-0158 ZC RELATING TO
THE LA VISTA QUARRY IN THE MISSION-GARIN
ANNEXATION AREA

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Prezoning.

Article 1 of Chapter 10 of the Hayward Municipal Code is hereby amended to prezone the property located at 28806 and 28816 Mission Boulevard, Hayward, California, commonly known as the La Vista Quarry, from Agricultural (AB10A) District to Planned Development (PD) District and Open Space/Parks and Recreation (OS) District, as more specifically set forth and identified on the map in Exhibit "A" and incorporated herein by reference.

The City Council has adopted two companion resolutions, adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approving General Plan Amendment PL 2005-0157 GPA, Zone Change Application No. PL-2005-0158 ZC and Vesting Tentative Map PL 2005-0156 TTM 7620, which findings contained therein are incorporated herein by reference.

Section 2. Severance.

Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

Section 3. Effective Date.

This ordinance shall become effective immediately upon the effective date of the annexation of the Property by the Local Agency Formation Commission of Alameda County.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the
19th day of July, 2005, by Council Member_____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the
day of_____, 2005, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:
Mayor of the City of Hayward

DATE:

ATTEST:
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

ORDINANCE NO.

AN ORDINANCE AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH LA VISTA, L.P., FOR DEVELOPMENT OF THE LA VISTA PROJECT

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Findings. This ordinance authorizes the execution of a development agreement with La Vista, L.P., for the La Vista Project ("La Vista Project Development Agreement"), to be developed on an approximately 162-acre site located at 28806 and 28816 Mission Boulevard, Hayward, California (the "Property"), commonly known as the La Vista Quarry in the Mission-Garin Annexation Area. The findings and determinations contained in the following resolutions are incorporated by this reference: Resolution No. _____, which approves General Plan Amendment PL 2005-0157 GPA, which amends the land use designations for the Property, and Resolution No. _____, which approves Zone Change Application PL 2005-1058 ZC, reclassifying the Property from Agricultural (AB10A) District to Planned Development (PD) District and Open Space/Parks and Recreation (OS) District and approving Vesting Tentative Map 7620 (PL 2005-0156 TTM 7620) and certain text changes to the Mission-Garin Area Special Design (SD-5) District. The following additional findings also support the adoption of this ordinance authorizing the execution of a Development Agreement with La Vista, L.P.

- A. This ordinance is adopted pursuant to the enabling provisions of Article 9, Chapter 10 of the Hayward Municipal Code, the City's Development Agreement Ordinance, and the provisions of state law which authorize the City to enter into binding development agreements with persons having legal or equitable interests in real property for the development of their property, contained in Government Code sections 65864 through 65869.5.
- B. The proposed La Vista Project Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan, Mission-Garin Area Special Design District, and the Hillside Design and Urban Wildland/Interface Guidelines in that Section 3 of the Development Agreement stipulates the development must be consistent with such provisions.

- C. The proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located in that the General Plan, as amended, allows for Limited Medium Density Residential development at 8.7 to 12.0 dwelling units per net acre and the development is proposed to have 9.3 dwelling units per net acre.
- D. The proposed Development Agreement is in conformity with public convenience, general welfare, and good land use practice in that it will provide new housing opportunities and new public facilities, including 30 acres for a new community park and substantial contribution toward development of a new community center, while minimizing impacts to the area.
- E. Existing or proposed public facilities have sufficient capacity to accommodate the proposed development in that Tennyson Road is proposed to be extended eastward from Mission Boulevard and Alquire Parkway is proposed to be extended northward to serve the development, thereby providing two means of ingress and egress to and from the development, and a new 1.2 million gallon water tank and related system improvements are proposed for the Garin reservoir site to serve the development.
- F. The public health, safety, and general welfare will be promoted and advanced by the proposed development in that mitigation measures will be required as a part of the development approvals to ensure that significant environmental impacts will be reduced to levels of insignificance, including those associated with dust and air quality, naturally-occurring asbestos and geologic hazards.
- G. The orderly development of property or the preservation of the property values will be promoted and advanced by the proposed development in that high-quality single-family housing will be constructed in an area that currently contains an active surface mining operation, resulting in less impacts to, and a development more compatible with, surrounding residences.

Section 2. Authorization of La Vista Project Development Agreement. Based on the findings set forth in this ordinance and in Resolution Nos. _____ and _____, as well as a review of the proposed La Vista Project Development Agreement submitted to the City Council at the July 19, 2005, meeting, the City Council hereby takes the following actions:

- A. The City Manager is authorized to execute a Development Agreement with La Vista, L.P., regarding the La Vista Project planned development proposal substantially in the form of the proposed development agreement presented to the City Council on July 19, 2005, together with such minor clarifying changes as may be necessary upon approval by the City Manager after consultation with the City Attorney.

- B. The City Manager is also authorized to take such further actions which he or she deems necessary and proper to carry out and or monitor performance of the terms of the executed La Vista Project Development Agreement pursuant to applicable law and regulation. This authority includes but is not limited to execution of any further agreement which the City Manager deems necessary to implement the La Vista Development Agreement ("Implementation Agreement").

Section 3. Effective Date. This ordinance shall become effective immediately upon the effective date of annexation of the Property by the Local Agency Formation Commission of Alameda County.

Section 4. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

INTRODUCED at a regular meeting of the City Council of the City of Hayward,
held the ____ day of _____, 2005, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held
the ____ day of _____, 2005, by the following votes of members of said City Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Mayor of the City of Hayward

DATE:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward